

Minutes of the Veneta City Council

August 14, 2006

Council

Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, Marion Esty, and Sharon Hobart-Hardin

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Kyle Schauer, Public Works Superintendent; Jerry Elliott, City Engineer; Jerri Moore, Finance Director; Cathy Coulson-Keegan; and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council to order at 7:07 p.m.

1. **PUBLIC COMMENT:** None

2. **CONSENT AGENDA**

MOTION: Sharon Hobart-Hardin made a motion to approve the Consent Agenda as presented. Thomas Cotter seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; Darrell Carman, aye; and Sharon Hobart-Hardin, aye

The consent agenda as approved included minutes for July 24, 2006, bills paid and payable for July/August 2006, and the Civic Calendar for September 2006.

3. **JOINT MEETING OF THE VENETA CITY COUNCIL AND LOCAL PUBLIC CONTRACT REVIEW BOARD - PUBLIC HEARING for amendments to the Public Contracting Rules**

Mayor Brooker called the Local Public Contract Review Board to order at 7:08 p.m.

- a. Open Public Hearing: Mayor Brooker opened the public hearing at 7:08 p.m.
- b. Declaration of Potential Conflict of Interest and Ex-parte Contacts: None
- c. Staff Report (Ric Ingham)
Resolution 924 will bring public contracting rules up-to-date based on changes made during the 2005 legislative process.
- d. Proponents: None
- e. Opponents: None
- f. Questions from the Council: The Councilors had no questions; however, they said it would have been helpful to have the changes to Division Chapters 46 and 47 in legislative format.
- g. Close of Hearing: Mayor Brooker closed the public hearing at 7:12 p.m.

- h. Decision on the Issue

Resolution 924 - JOINT RESOLUTION OF THE CITY COUNCIL AND LOCAL PUBLIC CONTRACT REVIEW BOARD AMENDING PUBLIC CONTRACTING RULES IN CONFORMANCE WITH 2005 LEGISLATIVE AMENDMENTS TO THE OREGON PUBLIC CONTRACTING CODE FOR THE CITY OF VENETA.

MOTION: Sharon Hobart-Hardin made a motion to adopt joint Resolution 924 between the City Council and Local Public Contract Review Board amending Public Contracting Rules in conformance with the 2005 legislative amendments to the Oregon Public Contracting Code for the City of Veneta. Darrell Carman seconded the motion which passed with a vote of 5-0.

Mayor Brooker adjourned the Public Contract Review Board at 7:13 p.m.

4. PUBLIC HEARING

Parks Systems Development Charges (SDC) and Administrative Fee

- a. Open Public Hearing: Mayor Brooker opened the public hearing at 7:13 p.m.
- b. Declaration of Potential Conflict of Interest and Ex-parte Contact: None
- c. Staff Report (Margaret Boutell)
The Parks SDC methodology and Capital Improvement Plan (CIP) has had the required notice and 60-day review period. Ordinance 467 amends the City's Systems Development Charge Ordinance by adding the appeal fee and the administrative fee that is currently part of Resolution 661 which is being repealed with the adoption of a new Parks SDC Resolution. Margaret provided the Council with a revised page one correcting a minor error which clarifies the reimbursement fee for the pool is for future construction. She said Resolution 925 will formally adopt the parks CIP which lays out the facilities the City proposes to build and the cost for those facilities, Resolution 926 adopts the Parks SDC fee and repeals Resolution 661, Resolution 927 adopts the appeal fee and the same 4% administrative fee that was part of Resolution 661, and Resolution 928 classifies the fees as not being a tax. The Council was provided with a copy of Exhibit A to be attached to Resolution 928 which lists the city's Systems Development Charges.

Margaret advised the Council that staff decided not to base the fee on the size of the house because size does not equate to the number of residents. Staff also did not include other reimbursable fees because changing the CIP would require additional notices and a new review period. Staff will also need to do research to determine if improvements paid for by the Urban Renewal Agency or grants from other agencies are reimbursable. If all the existing improvements are reimbursable, she estimated it may increase in the SDC amount by about \$100 per dwelling unit.

Mayor Brooker said he would like staff to do more research on other reimbursable amounts before the City has too much more development.

d. Proponents:

Cathy Coulson-Keegan; 25130 E. Broadway; Veneta, OR

Ms. Coulson-Keegan said she is in favor of the proposed Parks Systems Development Charge.

e. Opponents: None

f. Questions from the Council

In response to questions from the Council, Margaret said with the increased Parks SDC the total of the SDC fees per residential unit, including the administrative fee, will be about \$10,000. The new Parks SDC will only be collected for residential development.

Sharon Hobart-Hardin said the Parks Board has been looking forward to the new Parks SDC because it will allow the City to implement the Parks Master Plan.

g. Close of Hearing: Mayor Brooker closed the public hearing at 7:27 p.m.

h. Decisions on the Issue

- (1) **Ordinance 467- AN ORDINANCE AMENDING ORDINANCE NO. 452, AUTHORIZING THE ESTABLISHMENT OF SYSTEM DEVELOPMENT CHARGES FOR THE CITY OF VENETA, AND DECLARING AN EMERGENCY.** First reading by title only. Second reading by title only and for final enactment.

MOTION: Thomas Cotter made a motion to approve Ordinance 467, amending ordinance 452, authorizing the establishment of System Development Charges for the City of Veneta for first reading by title only. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 467 was read as follows:

Ordinance 467, an ordinance amending Ordinance number 452, authorizing the establishment of System Development Charges for the City of Veneta, and declaring an emergency.

MOTION: Thomas Cotter made a motion to approve Ordinance 467, amending ordinance 452, authorizing the establishment of System Development Charges for the City of Veneta for second reading by title only and for final enactment. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 467 was read as follows:

Ordinance 467, an ordinance amending Ordinance number 452, authorizing the establishment of System Development Charges for the City of Veneta, and declaring an emergency.

Mayor Brooker and City Recorder Sheryl Hackett signed Ordinance 467 as adopted.

- (2) **Resolution 925 - A RESOLUTION ADOPTING PARKS CAPITAL IMPROVEMENT PLAN.**

MOTION: Sharon Hobart-Hardin made a motion to adopt Resolution 925 adopting the Parks Capital Improvement Plan. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (3) **Resolution 926 - A RESOLUTION ESTABLISHING A PARKS SYSTEM DEVELOPMENT CHARGE AND REPEALING RESOLUTION 661.**

MOTION: Sharon Hobart-Hardin made a motion to adopt Resolution 926 establishing a Parks System Development Charge and repealing Resolution 661. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (4) **Resolution 927 - A RESOLUTION ESTABLISHING SYSTEM DEVELOPMENT CHARGE ADMINISTRATIVE AND APPEAL FEES AND REPEALING RESOLUTION 661.**

MOTION: Sharon Hobart-Hardin made a motion to adopt Resolution 927 establishing System Development Charge administrative and appeal fees and repealing Resolution 661. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (5) **Resolution 928 - A RESOLUTION CLASSIFYING CERTAIN FEES AND CHARGES AS NOT SUBJECT TO THE LIMITATIONS OF ARTICLE XI, SECTION 11b OF THE OREGON CONSTITUTION (MEASURE 5).**

MOTION: Sharon Hobart-Hardin made a motion to adopt Resolution 928 classifying certain fees and charges as not subject to the limitations of Article XI, Section 11b of the Oregon Constitution (Measure 5). Darrell Carman seconded the motion which passed with a vote of 5-0.

5. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

b. **COUNCIL/COMMITTEE LIAISONS**

Marion Esty (Planning Commission) - Marion said the Planning Commission approved a land partition creating a panhandle lot on Eighth Street. She said Brian and Margaret did a good job of providing information and explaining the maps.

Marion Esty (Region 2050) - Margaret Boutell asked the Council to discuss a date for a public meeting in September for a presentation on the Region 2050 results. Marion Esty said she felt the public should be given an opportunity to comment on the final report. She said the Region 2050 Advisory Committee will meet in October, following the public meetings. Sharon Hobart-Hardin advised the Council the draft report is available on the Internet. The Council agreed to hold a work session from 6:00 p.m. to 7:00 p.m. on September 25, 2006, before their regular Council meeting, and a public comment session during the Council meeting.

Darrell Carman (LCOG) - The biggest issue discussed was regional transportation. He said a lot of it seems to be in reaction to the W. Eugene Parkway. Mayor Brooker said the loss of road maintenance money is also an issue. Marion expressed concerns with the lack of attendance at recent LCOG Board meetings.

Sharon Hobart-Hardin (Park Board) - The Park Board has two new members. At their last meeting they toured the parks. They also began to prioritize their goals into an action plan.

Ric Ingham said the Bechtol property on W. Broadway appears to have been sold. He said it is important to get the code updated to assure any redevelopment fits into the Downtown Master Plan. The Council discussed the possibility of environmental issues related to the property as a result of it's previous use and asked staff to follow-up with DEQ and the Fire District to see if there are any requirements related to cleaning up the property.

Sharon Hobart-Hardin said the City should be proactive when it comes to abatement of nuisances, including the storage of chemicals.

6. STAFF REPORTS

a. **FINANCE OFFICER**

(1) **2005/06 2nd Quarter Financials**

Jerri Moore said she is making progress on getting the reports caught up. As of the end of December, revenue was exceeding expenditures. She said the City also received a draft copy of the 2004/05 audit. She said there are no comments in the report that need to be addressed.

Jerri also announced that the Ann Frydendall was the successful candidate for the new utility clerk office support specialist. Training is scheduled next week with the software company for utility billing, general ledger and payroll.

b. **COMMUNITY SERVICES DIRECTOR**

(1) **Planning Commission Quarterly Report -2nd Quarter**

Margaret presented the Planning Commission's Quarterly report. She said

Brian has been keeping up on the applications; therefore, there were no LCOG hours used during the second quarter.

- (2) **Animal Control update**
Greenhill gave notice they will not renew their contract with the City; however, they did agree to an amendment to their current contract, extending it to October 31, 2006 to give the City an opportunity to find an alternative. They will no longer accept animals from the general public, only from City staff. Margaret said staff is currently talking to Lane County Animal Control Agency (LCARA) about a possible contract. LCARA may agree to a contract for dogs but they have no room for cats. If the City accepts cats they would have to find a way to hold the cat for 72 hours before the cat can be adopted or euthanized. Staff also met with the group of citizens that testified on the rabies issue. Everyone agreed that cats are a big issue; however, nobody had any good solutions. Some cities do not consider cats a city problem and do no enforcement. One option may be to not regulate cats but provide some support for low-cost spay and neuter clinics.

Mayor Brooker said the City does not have adequate personnel or money to impound and hold cats. The Council agreed that enforcement is a big issue and that it is difficult to find owners of feral cats.

- (3) **Nuisance Abatement**
Margaret provided the Council with a memorandum on several nuisance abatements Teresa has been working on for a while. Ric said generally nuisances are dealt with on a complaint business; however, when the nuisance intrudes on a public right-of-way the City will initiate action. Staff asked the Council for authorization to abate the nuisances.

MOTION: Sharon Hobart-Hardin made a motion to authorize staff to abate the nuisances outlined in the memorandum. Thomas Cotter seconded the motion.

Discussion: In response to a question from Darrell Carman, Margaret said a lien can be placed on the property if the owner fails to reimburse the City for the cost of abatement.

Mayor Brooker commended Teresa on the time and effort she has put into the abatement process.

Ric said staff will be working on a proposal to tighten up the ordinances to make enforcement easier so problems can be more quickly resolved. Margaret said one thing to be considered is levying fines.

Vote: The motion passed with a vote of 5-0.

- (4) **Building Permit fee proposal**
Charlsie Kaylor of the Building Department made a presentation on their

proposal to increase fees. She said the proposal is in response to some legislative changes that eliminated the plan check fees for residential plumbing. The intent of the new fee structure is to compensate for the elimination of the plan check fee and to keep up with increased medical and fuel costs. She said they did a fee comparison with other cities and the fees are still lower than Springfield, Eugene, and Florence. If the Council decides to move forward with the fee increases, the Building Department will begin the process with the Building Codes Division. She asked the Council for a date and location for a hearing. She said the decision to hold a hearing does not mean the Council has agreed to the change.

MOTION: Sharon Hobart-Hardin made a motion to proceed with providing notice of a possible fee increase and authorize staff to work with the Building Department to establish the dates. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (5) Public Works Monthly Activity Report for July 2006
Kyle Schauer reviewed his monthly activity report. He said the biggest project was the East Hunter overlay. They have managed to keep the swimming pool up and running but the heater is in need of some repairs. The annual water report was mailed and the City continues to meet all State requirements.

c. CITY ENGINEER

- (1) Well 10 update

Jerry Elliott said Well 10 is connected and can be switched on at a moments notice. He said he has not yet seen the final billing from the contractors. He said the next step is to construct the treatment plant. He said he hopes to get the bid packet out by the first of the month. He asked the Council for a motion authorizing him to prepare the bid packet and to release a Request for Proposals.

MOTION: Sharon Hobart-Hardin made a motion authorizing the City Engineer to proceed with the preparation of a bid package and to release a Request for Proposals to construct the treatment plan for Well 10. Thomas Cotter seconded the motion.

Discussion: In response to a question, Jerry Elliott said the bid will include the treatment facility, all the piping, the filter, distribution pumps, chemical feed at the well site, road and drainage improvements, driveway approach, connection to the EPUD system, and removal of the generator. He said he anticipates an April 2007 completion date.

Vote: The motion passed with a vote of 5-0.

- (2) Well 11 update

Jerry Elliott advised the Council that the test well drilled immediately west

of the Veneta Business Park produced about 75 gallons per minute. He said the water quality looks quite good; however, 75 gallons per minute is not a very good yield for a municipal well. The cost to bring the well on line could be as much as \$410,000. Jerry said he thinks the City should look at other options but keep the well as a backup. He said a site immediately east of the public works yard may be a potential well site.

In response to a question from Thomas Cotter, Jerry Elliott said he believes the City can have a well site located outside the Urban Growth Boundary.

Sharon Hobart-Hardin said she feels the City should begin looking at the possibility of other water sources, such as obtaining water from EWEB. In response, Jerry Elliott said the 1997 Water Master Plan lists options that were explored. At that time it did not appear to be cost effective to purchase water from EWEB. He said the Corp of Engineers does not allow Fern Ridge to be used as a municipal water source. He said even if that were possible, there are different rules for treating surface water and ground water which would increase the capital improvement costs.

Ric said the City's Work Plan includes an aggressive well investigation program which may include discussions with the Water Resources Department, EWEB, and the Corp of Engineers. He agrees that the City needs to take both a short term and a long term approach to the water issue.

d. CITY ADMINISTRATOR

- (1) General Offenses - Amending the Veneta ordinance for consistency with amendments by the state legislature to the Oregon Criminal Code.

Ric advised the Council that the amendments to the City's General Offenses and Traffic ordinances are to bring them into compliance with minor changes made by the State Legislature.

Ordinance 468 - AN ORDINANCE AMENDING ORDINANCE NO. 328 AND DECLARING AN EMERGENCY. First reading by title only. Second reading by title only and for final enactment.

MOTION: Thomas Cotter made a motion to approve Ordinance 468 amending the General Offenses for first reading by title only. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 468 was read as follows:

Ordinance 468, an ordinance amending Ordinance number 328 and declaring an emergency.

MOTION: Thomas Cotter made a motion to approve Ordinance 468 amending the General Offenses for second reading by title only and for final enactment. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 468 was read as follows:

Ordinance 468, an ordinance amending Ordinance number 328 and declaring an emergency.

- (2) Traffic on City Streets - amending the Veneta for consistency with amendments by the state legislature to the Oregon Vehicle Code.

Ordinance 469 - AN ORDINANCE AMENDING ORDINANCE NO. 371 AND DECLARING AN EMERGENCY. First reading by title only. Second reading by title only and for final enactment.

MOTION: Thomas Cotter made a motion to approve Ordinance 469 amending the Traffic code for first reading by title only. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 469 was read as follows:

Ordinance 469, an ordinance amending Ordinance number 371 and declaring an emergency.

MOTION: Thomas Cotter made a motion to approve Ordinance 469 amending the Traffic code for second reading by title only and for final enactment. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 469 was read as follows:

Ordinance 469, an ordinance amending Ordinance number 371 and declaring an emergency.

- (3) Charter Communication Discussion
- a. Communication Site Agreement - Lease for microwave tower site at the Bolton Hill/Dogwood Reservoir.

The Council was provided with a summary of the land use decision allowing the temporary location of a microwave tower on City property. The agreement had a five-year limitation. Ric advised the Council that Charter has not fulfilled any of their plans to install fiber optic lines or other methods to provide better reception. The agreement requires removal of the microwave 90 days after expiration of the five-year limit.

At the request of the Council, Ric said staff will get a legal opinion and then inform Charter as to what process they need to follow.

b. Notice of Intent to Negotiate Franchise Agreement

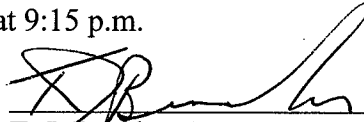
MOTION: Sharon Hobart-Hardin made a motion authorizing staff to give notice to Charter Communications of the City's intent to renegotiate their franchise agreement. Thomas Cotter seconded the motion which passed with a vote of 5-0.

7. **OTHER**

- a. Ric reminded the Council that the August 28, 2006 meeting has been cancelled
- b. Sheryl reminded the Council that the election filing deadline is Tuesday, August 29, 2006 at 5:00 p.m. and election packets are available at City Hall. Darrell Carman announced that he will run for reelection.

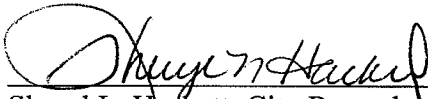
8. **ADJOURN**

Mayor Brooker adjourned the City Council at 9:15 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl L. Hackett, City Recorder